



APPENDIX

Act of January 20, 1944, 58 Stat. 57, 28 U. S. C.,
Supp. IV, 9b:

SEC. 3. Upon request of the appellant, the record on appeal, under rules 75 and 76 of the Federal Rules of Civil Procedure, shall be printed by a printer designated by the appellant.

Federal Rules of Civil Procedure:

Rule 73. Appeal to a Circuit Court of Appeals.

(a) How Taken. When an appeal is permitted by law from a district court to a circuit court of appeals and within the time prescribed, a party may appeal from a judgment by filing with the district court a notice of appeal. Failure of the appellant to take any of the further steps to secure the review of the judgment appealed from does not affect the validity of the appeal, but is ground only for such remedies as are specified in this rule or, when no remedy is specified, for such action as the appellate court deems appropriate, which may include dismissal of the appeal.

Rules of the United States Circuit Court of Appeals for the Ninth Circuit:

Rule 19. Printing Records.

1. Records shall be printed under the supervision of the clerk of this court. The clerk is charged with the duty of having the printing done at reasonable rates, and he shall, upon the docketing of the cause,

cause an estimate to be made of the expense of printing the record and his fee for preparing it for the printer and supervising the printing and shall notify the party docketing the case of the amount of the estimate, which amount must be paid within 10 days. If the estimated expense is not paid as provided in this rule it shall be the duty of the clerk to report that fact to the court, whereupon the cause will be dismissed unless good cause to the contrary is shown. In such instance, the clerk shall notify the counsel for the defaulting party of the date on which the matter will be presented to the court. * * *

Trading with the Enemy Act, 40 Stat. 411, as amended (50 U. S. C., Appendix, 1-31):

SEC. 7. * * * (c) * * *

The sole relief and remedy of any person having any claim to any money or other property heretofore or hereafter conveyed, transferred, assigned, delivered, or paid over to the Alien Property Custodian, or required so to be, or seized by him shall be that provided by the terms of this Act, and in the event of sale or other disposition of such property by the Alien Property Custodian, shall be limited to and enforced against the net proceeds received therefrom and held by the Alien Property Custodian or by the Treasurer of the United States.

* * * * *

SEC. 9 (a) Any person not an enemy or ally of enemy claiming any interest, right, or title in any money or other property which may have been conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or seized by him hereunder and held by him or by the Treas-

urer of the United States * * * may institute a suit in equity * * * in the district court of the United States * * * to establish the interest, right, title, or debt so claimed, and if so established the court shall order the payment, conveyance, transfer, assignment, or delivery to said claimant of the money or other property so held by the Alien Property Custodian or by the Treasurer of the United States or the interest therein to which the court shall determine said claimant is entitled. * * *

California Statutes, 1941, c. 895:

SECTION 1. Chapter 3, comprising Sections 259, 259.1, and 259.2, is hereby added to Division 2 of the Probate Code, to read as follows:

Chapter 3. Inheritance Rights of Aliens.

259. The rights of aliens not residing within the United States or its territories to take either real or personal property or the proceeds thereof in this State by succession or testamentary disposition, upon the same terms and conditions as residents and citizens of the United States is dependent in each case upon the existence of a reciprocal right upon the part of citizens of the United States to take real and personal property and the proceeds thereof upon the same terms and conditions as residents and citizens of the respective countries of which such aliens are inhabitants and citizens and upon the rights of citizens of the United States to receive by payment to them within the United States or its territories money originating from the estates of persons dying within such foreign countries.

259.1. The burden shall be upon such nonresident aliens to establish the fact of

existence of the reciprocal rights set forth in Section 259.

259.2. If such reciprocal rights are not found to exist and if no heirs other than such aliens are found eligible to take such property, the property shall be disposed of as escheated property.

SECTION 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such necessity:

A great number of foreign nations are either at war, preparing for war or under the control and domination of conquering nations with the result that money and property left to citizens of California is impounded in such foreign countries or taken by confiscatory taxes for war uses. Likewise money and property left to friends and relatives in such foreign countries by persons dying in California is often never received by such nonresident aliens but is seized by these foreign governments and used for war purposes. Because the foreign governments guilty of these practices constitute a direct threat to the Government of the United States, it is immediately necessary that the property and money of citizens dying in this country should remain in this country and not be sent to such foreign countries to be used for the purposes of waging a war that eventually may be directed against the Government of the United States.

California Statutes, 1945, c. 1160:

SECTION 1. Section 259 of the Probate Code is hereby amended to read as follows:

259. The right of aliens not residing within the United States or its territories to take real property in this State by succession or testamentary disposition, upon the same terms and conditions as residents and citizens of the United States is dependent in each case upon the existence of a reciprocal right upon the part of citizens of the United States to take real property upon the same terms and conditions as residents and citizens of the respective countries of which such aliens are residents and the rights of aliens not residing in the United States or its territories to take personal property in this State by succession or testamentary disposition, upon the same terms and conditions as residents and citizens of the United States is dependent in each case upon the existence of a reciprocal right upon the part of citizens of the United States to take personal property upon the same terms and conditions as residents and citizens of the respective countries of which such aliens are residents. It shall be presumed that such reciprocal rights exist and this presumption shall be conclusive unless prior to the hearing on any petition for distribution of all or a portion of such property to an alien heir, devisee or legatee not residing within the United States or its territories a petition is filed by any person interested in the estate requesting the court to find that either one or both of such reciprocal rights does not or do not exist as to the country of which such alien heir, devisee or legatee

is resident. Upon the hearing of such petition the burden of establishing the non-existence of such reciprocal right or rights shall be upon the petitioner. Notice of such hearing shall be given in the manner provided by Section 1200 of this code.

SECTION 2. Section 259.1 of the Probate Code is hereby repealed.

SECTION 3. Section 259.2 of the Probate Code is hereby repealed.

